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Application No. 10/776,018  
Filed: February 10, 2004  
TC Art Unit: 3673  
Confirmation No.: 9076

REMARKS

Clarifying amendments have been added to claim 24 to smoothen its readability. Claim 32 has been amended to bring it in an appropriate form.

Claims 2-4, 6-7, 19-20, 24, 27 and 29-32 are pending and stand rejected.

Claim Rejections Under 35 U.S.C. § 103(a):

The Examiner has rejected claims 2, 6-7, 19-20, 24, 27 and 30-32 as being unpatentable over US Patent 5,632,053 (hereinafter, Weingartner) in view of US Patent 4,294,489 (hereinafter, Anolick). Applicants respectfully traverse the rejection in light of the following.

Though the present invention and Weingartner are generally directed to an upholstered furniture, the structure claimed by the Applicants is not anticipated by any combination of Weingartner and Anolick.

Applicants claim a seat cushion where the covering is fixedly connected to the first foam body and where the upper part of the seat cushion can easily be separated from a lower part. Specifically, claim 24, reproduced below in pertinent parts, recites:

Application No. 10/776,018

Filed: February 10, 2004

TC Art Unit: 3673

Confirmation No.: 9076

24. A seat cushion, in particular for a seat, comprising:

a first foam body;

a second foam body extending below the first foam body;

detachable connecting means to connect the first foam body to the second foam body via a covering which is fixedly connected to this first foam body;

wherein:

...

the first and second foam bodies are detachably connectable to each other via the covering;

...

at least part of the seat cushion comprises lightweight, fire-retardant, foam material comprising melamine foam and having an average density less than approximately 0.1 gram/cm<sup>3</sup>. (Emphasis added).

Weingartner does not suggest or disclose a first foam body provided with a covering which is fixedly connected to the first foam body. On the other hand, Weingartner discloses, "The invention also provides a seat cushion, ..., comprising a supporting body of a foamed plastic with a spring core ..., with which a covering material is connected, in particular in a detachable manner, preferably as defined above,..." (Column 3, lines 45-47, and column 7, lines 47-52, emphasis added). Therefore, by virtue of the covering material being detachable, Weingartner teaches away from the claimed invention having a cover fixed to the upper

Application No. 10/776,018  
Filed: February 10, 2004  
TC Art Unit: 3673  
Confirmation No.: 9076

part. This increases the cushion life by avoiding puncturing of the covering where it is sat upon.

Further, Weingartner does not disclose or suggest that the first and second foam bodies are detachably connectable to each other via the covering. Instead, Weingartner (FIG. 2) discloses burr tapes 24, 25 between sitting part 8 and supporting part 8.

The Examiner has stated, in the second paragraph on page 3 of the Office Action, that Weingartner discloses that the covering is attached via the burred tape arrangements 43 to the underside 12 of the first foam body. The Applicants respectfully disagree. First tape arrangement 43 is nowhere near what corresponds to Applicants' first foam body. The Weingartner structure is further different because the burred tape arrangement 43 connects the covering material 44 to covering material 16 on the underside 12 of the supporting part 7. Therefore, the burred tape arrangement 43 does not connect to the underside of the sitting part 8 of the cushion.

The Examiner concedes on page 3 of the Office Action that Weingartner fails to disclose a fire-retardant material, such as melamine foam. However, the Examiner equates melamine formaldehyde resins and melamine phosphate disclosed by Anolick as melamine foam. To the extent of disclosing a foam, Anolick merely

Application No. 10/776,018  
Filed: February 10, 2004  
TC Art Unit: 3673  
Confirmation No.: 9076

discloses polyurethane and neoprene foams. (Abstract and Background of the Invention). Melamine formaldehyde resins, melamine phosphate, and neoprene foam are distinct from melamine foam being chemically and physically distinct as melamine foam, e.g., may have a microporous structure. Therefore, Anolick does not disclose, or suggest a combination of, fire-retardant foam material comprising melamine foam. Even if combined, a structure distinct from claim 24 would result because of the different structure of Weingartner. Hence the significant gap left by Weingartner is not bridged by Anolick.

Accordingly, Applicants' claim 24 is patentably unobvious over Weingartner and Anolick, considered individually or in any combination thereof. Thus the Examiner is respectfully requested to allow claim 24.

Claims 2, 6-7, 19-20, 24, 27 and 29-31 depend, directly or indirectly, from claim 24. Therefore, these dependent claims are also allowable over Weingartner and Anolick and the Examiner is requested to allow the same.

Since claim 32 also recites similar distinctions over the combination of Weingartner and Anolick, as described above, claim 32 is also patentably unobvious at least for the reasons stated

Application No. 10/776,018  
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TC Art Unit: 3673  
Confirmation No.: 9076

above. Thus the Examiner is respectfully requested to allow claim 32.

Claims 3-4 have been rejected as unpatentable over Weingartner in view of Anolick, and further in view of US Patent No. 5,850,645 (hereinafter, Ogawa). Applicants respectfully traverse the rejection.

Ogawa discloses a seat having a surface material and a cushioning body covered with the surface material. The cushioning body includes fasteners. The Ogawa apparatus and method are substantially different and even if there were an attempt to combine the disclosures of Weingartner, Anolick, and Ogawa, the claimed apparatus of claims 3 and 4 would not result.


Claims 3-4, depending from patentably unobvious claim 24, are not rendered obvious by the combination of Weingartner, Anolick, and Ogawa. Accordingly, the Examiner is respectfully requested to allow claims 3 and 4.

Application No. 10/776,018  
Filed: February 10, 2004  
TC Art Unit: 3673  
Confirmation No.: 9076

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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